**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

**(Special Original Jurisdiction)**

**MONDAY, THE THIRTY FIRST DAY OF JANUARY**
**TWO THOUSAND AND FIVE**

**PRESENT**

**HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**
**HON'BLE SRI JUSTICE M.NARAYANA REDDY**

**WRIT PETITION NO.12127 of 2002**

Between:

Peoples Union for Civil Liberties,
Andhra Pradesh Branch
rep. by its State General Secretary,
Jaya Vindhyala Office Address No.16-8-908/A
Yadav Complex, Malakpet X-Road,
Hyderabad.

..... PETITIONER

AND

1 The State of A.P.
rep. by its Principal Secretary., Home Department

Secretariat,
Hyderabad.
2 The Director General of Police
A.P. Lakdikapool, Hyderabad
3 The Superintendent of Police
Khammam District, Khammam
4 The C.I. of Police, Palvoncha
Khammam District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to appoint a Commission of Hon'ble High Court Judge or the District Sessions Judge to make an enquiry about the alleged encounters, wherein 1 and 3 Gadeboina Uppa Lamma @ Girija @ Upendra 2) Suguna @ Anitha were killed by the police on 24-06-2002 near by Maillavari Girijana Village, Palvoncha Mandalam, Khammam district after calling for the records and to pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : Sri PRATTIPATI VENKATESWARLU

Counsel for the Respondents: G.P. FOR HOME

The Court made the following :

ORAL ORDER: (Per Hon'ble the Chief Justice)

This petition was filed, on the basis of press report, by Peoples Union for Civil Liberties stating that Gadeboina Uppalamma @ Girija, Upendra and Suguna @ Anitha, had died in the police encounter on 24th June, 2002 in exchange of fire between the deceased and police. Writ petitioner says that in case the version of police is taken as Gospel truth, there is every possibility of killing them in the name of encounter, and that, therefore in the interest of justice the petitioner seeks that judicial enquiry, of the incident by the Judge of the High Court or District Judge, be ordered.

Writ Petition is thus based merely on the allegation of news-item report and without

any substantial material from the petitioner or without ascertaining factual information from the persons, if any, alleged to be present at the scene of offence, petitioner is demanding judicial enquiry to be conducted. On

25th August, 2002, affidavit in reply was filed by B.Janardhan Reddy, Inspector of Police, Palvancha, Khammam district, stating that on 24th June, 2002 at about 13 hours S.Janaki Reddy,

Sub-Inspector of Police, Special Duty, Kothagudem, after the raids in Vulvanur Mamillavai Forest area, lodged a written complaint at Palvancha Rural Police Station stating that on

24-06-2002 in the early hours at 3 a.m., he along with Special Police Party proceeded for combing operations on the instructions of S.D.P.O., Kothagudem in Palvancha Rural limits. The Special Police party reached Vulvanur and started combing operations and were proceeding from Vulvanur to Mamillavai by combing the forest and searching the hideouts at about 10.30 a.m., and when the party reached Mondi Thogu in Jandagutta area of Vulvanur forest, they found about 15 members clad in olive green uniform by carrying fire-arms. On seeing the police party, the said persons opened fire with an intent to kill. The police party disclosed their identity and asked the extremists to surrender, and instead of surrendering, continued the firing on police party and again the police party in a loud voice informed them to surrender, but in vain. The complainant with his party in

self-defence and to save their lives opened fire by taking position and fire continued for about 10 minutes. After the firing stopped, on search, two unknown female deadbodies with bullet injuries wearing olive green uniforms were found. One DBBL gun,

two .303 rifles were lying by the side of the deadbodies. On further searching, one DBBL gun and 8 kit bags, one claymore mine and utensils with literature were found at the scene of offence. On verifying the literature, they noticed it to be of

CPI-ML Peoples War Group, Kothagudem and Gundala local guerilla squads. The

complainant requested the police to take necessary action.

It is further stated that basing on the above complaint, the Station House Officer, Palvancha Rural Police Station, registered Crime No.34 of 2002 under Sections 147, 148, 307 read with 149 of Indian Penal Code; Sections 25(1)(a) and 27 of Indian Arms Act and Section 3 of Prevention of Terrorism Act. On receipt of F.I.R., the Circle Inspector of Police, Palvancha took up investigation of the case. The Mandal Executive Magistrate, Palvancha, accompanied the police party, visited the spot and examined the police personnel LWs 1 to 22, who participated in the exchange of fire, recorded their statements, got the photographs of corpses taken by LW-23, who was examined and his detailed statement recorded in Part-II Case Diary. The Mandal Executive Magistrate conducted panchnama in the presence of panchas and seized the belongings of the extremists from the scene of offence and after the inquest was held over the deadbodies, and post mortem examination was done, wide publicity was given through the media to identify the deadbodies and handover the same to relatives. Further, the Magisterial enquiry was also ordered.

In view of the averments in counter-affidavit of respondents, no further directions deserve to be issued in this petition inasmuch as the petitioner has not supplied any other reliable material to the Court to issue further directions.

Writ Petition is dismissed.

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DEVINDER GUPTA, C.J.

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M.NARAYANA REDDY, J

31-01-2005

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.... REGISTRAR

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SECTION OFFICER

To

1 The Principal Secretary, Home Department

State of A.P., Secretariat,
Hyderabad.
2 The Director General of Police
A.P. Lakdikapool, Hyderabad
3 The Superintendent of Police
Khammam District, Khammam
4 The C.I. of Police, Palvoncha
Khammam District

5. 2 CCs to Govt. Pleader for Home, High Court buildings, Hyderabad

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